

REMARKS/ARGUMENTS

The Official Action has been carefully considered and the Examiner's comments are duly noted. Reconsideration of this Application in light of the amendments for the claims is respectfully solicited.

Claim 1 has been amended to provide proper antecedent for "the upper and lower chambers".

In claim 3 "the wall" is replaced by "the body". The latter has proper antecedent in claim 1, on which claim 3 is dependant.

The antecedent objection to claim 4 has been dealt with by changes to claim 1. The independent claim now also recites that "the inner end of the bit is closed". This supports "the closed inner end" in independent claim 4.

Further, the claims have all been amended to remove "characterized in that" and the present term "wherein" is more preferred.

Turning now to the claim rejections, and the rejection of the claims under 35 U.S.C. § 102, as well as § 103, it is respectfully submitted that the claims as now amended are neither anticipated by Curington 3,692,122 nor rendered obvious by any combination of Curington '122 in view of Ennis 5,115,875.

The disclosure of Curington 3,692,122 has been considered. It is submitted that this document does not disclose a drill assembly with "exhaust passages from the upper and lower chambers past the inner end of the bit".

The cylinder space or [upper] chamber (65) of the Curington drill exhausts through impact passage (57) and side port (56) [in the piston] into the enlarged cylinder (70) and through discharge or exhaust ports (41a) into the bore hole (see column 4 line 59 to column 5 line 6).

In the absence of the above-mentioned feature of the current invention, it is further submitted that claim 1 is novel over Curington. It is thus further submitted that

claims 2, 3 and 5, which are dependant on claim 1, also overcome the novelty objections based on Curington.

With respect to disclosure of Ennis 5,115,875, this patent teaches a drill assembly, which like the current invention seeks to avoid the use of a foot valve tube (see column 2 lines 3 to 27). This is achieved by replacing a valve arrangement of this kind with an inner tube (10;110) extending from the inlet to be slidably received in an opening in the inner end of the bit (13;113).

It is to distinguish more clearly over Ennis that claim 1 of the present Application has been limited to the feature that the “inner end of the bit is closed”.

A review of the disclosure of Puchala 5,647,445 revealed that the space (51) above the lower piston vents or exhausts via ports (55) and then outwardly between splines on parts (23) and (24) (See column 4, lines 37 to 41). This is also not around the inner end of the bit.

In light of the above and the form into which claim 1 has been placed, it is respectfully submitted that this independent claim together with the dependent claims are allowable.

With respect to the prior art of record and not relied upon by the Examiner, a careful analysis of U.S. Patent 5,647,445 to Puchala has been considered, and the claims as now amended clearly distinguish thereover and are neither anticipated nor rendered obvious by this particular reference.

Accordingly, favorable action is solicited.

A separate request is now submitted for an extension of the term from October 6 to November 6, 2005, to make this response timely filed. A check in the amount of \$60.00 (small entity) is enclosed. If any additional charges are necessary, please charge our Deposit Account 50-3108.

Appl. No. 10/806,745.
Amendment dated October 19, 2005
Reply to Official Action of July 6, 2005

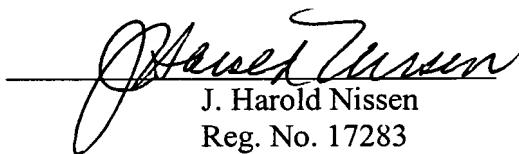
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Favorable action is solicited.

Respectfully submitted,

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Enclosure: Check for \$60.00 for One-Month Extension